

REMARKS

The claims have been revised in a sincere attempt to place the case in condition for allowance. Claims 1, 4, and 6 have been combined (see amended claim 1) and claims 1, 4, and 5 have been combined and appear as new claim 13. New claims 14 to 21 correspond to original claims 2, 3, and 7 to 12 but depend from new claim 13. The claims before the Examiner thus are claims 1 to 3 and 7 to 21.

The acknowledgement of receipt of the certified copy of the priority document and the listing of references submitted with an Information Disclosure Statement are noted with appreciation.

In view of the amendment to claim 1, it is believed that the rejection in section 5 of the Office Action is moot and that the only rejections that need to be discussed are those in sections 9 and 10 dealing respectively with rejections of claims 4 and 5 (and others). The rejections in sections 7, 8, and 11 of the Office Action become moot if the Examiner agrees that claims 1 and 13 are patentable.

Claim 1 has been amended to call for a food information management system having not only the elements of original claim 1 but also a display means able to display information about a

food wherein read means and output means of the food information management system are incorporated into a cooking device and the display means is connected to the output means. New claim 13 is similar to revised claim 1 but calls for the read means and output means to be incorporated into a refrigerator.

Claim 4 was rejected under 35 USC 103 as unpatentable over Mansfield et al. '914 in view Koether et al. '575 (claims 1 and 6 being rejected under 35 USC 102 over Mansfield et al. '914). The Examiner asserts that all elements of claim 4 but for an express showing of incorporating read means and output means in a cooking device are shown in Mansfield '914. The secondary reference is said to show read means and output means incorporated in a cooking device and the Examiner concludes that it would have been obvious to make such a combination in order to control the cooking device.

Applicant respectfully submits that there is no proper prima facie case of obviousness and that the person of ordinary skill in the art would have no proper motivation to combine the teachings of the primary and secondary references.

The teachings in Koether et al. '575 are not such that the person of ordinary skill in the art would take the teachings

therein for incorporation in the Mansfield et al. '914 device. In the first instance, Mansfield et al. '914 is directed to a portable electronic device that permits an individual to monitor his or her dietary intake of calories and nutrients by scanning barcode information to give a cumulative total of calories and other nutrition type characteristics. The device does not appear to be part of an integrated system. In addition, Koether et al. '575 shows in Fig. 1 incorporating a cooking computer 102 into a fryer 100 where the cooking computer is for controlling that fryer. The cooking computer stores, for example, an expected cooking curve particularly to an individual appliance for controlling the fryer like a host computer 107; see column 6, lines 62 to 66 and Fig. 1. The cooking computer 102 has substantially the same function as the host computer 107. Thus, Koether et al. '575 does not disclose that the read means and the display means are incorporated into a cooking device. The objective in Koether et al. '575 is to be able to control a plurality of cooking apparatus. Applicant respectfully submits that a person of ordinary skill in the art, absent the hindsight provided by the instant disclosure, has no reason to try to force fit the primary and secondary reference teachings. The

references considered separately give no reason for even attempting to put those separate items into some kind of combined operation. The rejection should be withdrawn.

Applicant also respectfully traverses the rejection of claim 5 under 35 USC 103 as unpatentable over Mansfield et al. '914 in view of Electrolux, if applied to claim 13 and any claim related thereto.

The Examiner's rationale in this rejection is similar to that directed to claim 4, but here, he has relied upon the Electrolux secondary reference for an alleged showing for incorporating lead means and output means in a refrigerator. The Examiner concludes that the artisan would have found it obvious at the time the invention was made to combine the teachings of Mansfield et al. '914 with Electrolux "to organize foods stored in the refrigerator." Applicant respectfully submits that the person of ordinary skill in the art would not interpret the teaching in Electrolux of providing an IP-capable flat screen computer in the door of the refrigerator would lead to the subject matter as claimed herein. There is no reason for the Electrolux refrigerator to have a food data base; monitoring is done only of the refrigerator contents. Applicant submits

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with respect that the rejection here also does not make out a proper case of prima facie obviousness because the references considered either alone or together do not provide motivation for their combination. The rejection should be withdrawn as well.

None of the other cited references have teachings that would overcome the deficiencies of the references discussed above. All pending claims are patentable.

In view of the foregoing revisions and remarks, it is respectfully submitted that claims 1 to 3, and 7 to 21 are in condition for allowance and a USPTO paper to those ends is earnestly solicited.

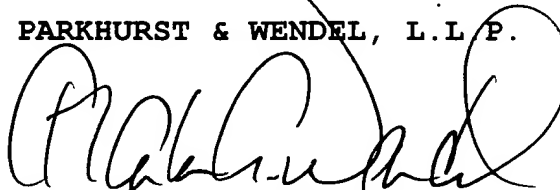
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The Examiner is requested to telephone the undersigned if additional changes are required in the case prior to allowance.

Respectfully submitted,

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